

## EAST SIDE "L" EXPRESS TRAINS STILL HELD UP

Delay of Application for Injunction Is New Snag.

It is an open question whether the Interborough Company will be allowed to operate a third track express line on Third avenue by night. The question was to have come before the courts to-day on an application for an injunction against the company, but so many legal difficulties have arisen that it may be some time before the application is made. In the meantime the Interborough Company is going ahead with all possible speed getting the third track in shape to put express trains on from One Hundred and Twenty-ninth street to City Hall.

Before these trains are actually operated the Corporation Counsel will have the case complete and will make a test of the company's right to operate the line.

Acting Corporation Counsel Sterling to-day explained the whole question.

Grab First—Settle Later.

"We are not at all certain about the right of the city to enjoin the Interborough Company from operating the express line on a third track in Third avenue over the present elevated structure," said Mr. Sterling. "But we think that the matter should be adjudicated by the courts so as to set at rest all doubt on the subject."

It would seem from the application made to the Rapid Transit Commission that the company itself doubts its right to operate a third track, it is doing as many corporations find it convenient to do these days, taking what it wants first, expecting to settle afterward if it is found that it has no right to take it. The City Club calls it robbery, and it may be, but there is at least color of right in the company to the third track.

"The lawyers for the company claim that they have the right under the old charter. If they have, we ask why did they apply for permission to do what they had a right to do? They made an application May 21, 1905, for permission to operate a third track and to make extensive changes and improvements in the Third avenue system, establishing additional stations and making various changes in the service."

"This application was postponed by the Rapid Transit Commission and no action was taken until Corporation Counsel Sterling asked that the question of public policy be settled before taking action against the company."

Franchise Is Valuable.

"We take the position that the franchise which the company is trying to get is very valuable and the city should be paid liberally for it if the line is to be operated at all. Whether it is or not is a question of public convenience. It may be that a great part of the public will be better served by such a track, and they should have it. That is a question for the Rapid Transit Commission."

"However, it is highly necessary for the city's rights to be set before the company goes ahead and gets such a valuable privilege without paying anything for it."

"If the company ever had a right to build, we think it has lost it by not asking the right before. We also contend that it never had the right, and we say, if you have a right, you can sue for it. The charter gives the right, and that will settle the matter. If you have not the right, you work on the third track and buy the

## 10 STRIKERS FALL IN WILD SHOOTING BY MINE GUARDS

Women and Children Hide in Cellars from Shower of Bullets.

DILLONVALE, O., July 2.—Investigation by the authorities at 2 miners' riot at Bradley shows that one man is dead, two are fatally injured, while seven others are seriously wounded as a result of the encounter.

All were yesterday twenty guards employed at Plum Run marched into Bradley and engaged in drinking at one of the company houses. Subsequently five of them came out and fired their guns in the air.

The guards continued for nearly three hours. All but two houses in the settlement were struck with bullets from the guards' Winchester, and the only store not controlled by the coal company was almost shattered.

The wives and children of the strikers fled to the cellars of their homes and the unarmed miners took refuge behind the buildings.

The guards then crossed the ravine and attacked the strikers.

## COLOMBIA SENDS NEW ENVOY TO WASHINGTON.

WASHINGTON, July 2.—The new Colombian minister to the United States is named Carlos Mendez.

The State Department has been advised by American Minister Barrett at Bogota that the appointment of Mr. Cortes followed the initiation of preliminary negotiations at Bogota looking toward the framing of a treaty between the United States and Colombia intended to settle all disputes and inaugurate a new era of friendly relations.

privilege in the proper way, without trying to steal it.

**Claims Right Under Old Charter.**

A lawyer, who has been connected with the Interborough Company since the old days of the New York Railroad Company, was asked to answer the question of Acting Corporation Counsel Sterling. He declined to allow the use of his name as he said he did not want to argue the case in the newspapers.

"We have been asked," he said, "to point out the clause and section under which we claim the right to operate the third track and we have done so."

"Here it is in a resolution of the Board of Rapid Transit Commissioners dated Sept. 2, 1905, and the clause on which we depend reads as follows: 'That in the construction of that section or portion of the railroad over and along so much of the route of connections as extends from the intersection of Third avenue to East One Hundred and Twenty-ninth street, the structure shall be for three tracks.'

**Non-Use May Forfeit.**

"That answers the question and ought to satisfy the public that we are not trying to steal anything."

He was reminded that Corporation Counsel Sterling, in an opinion rendered to the Mayor, said such a right, if it ever existed, had been lost by non-use. "That is just the question," he replied, "and it is to be settled by the courts. The courts will be asked to take hold of the matter. In the mean time the company will go ahead with its work, as the public needs such facilities as we can give them in no other way. If the courts decide against us we will have to get the privilege in some other way. We will have to get it, as we are the necessities of the situation are such that no other solution is possible."

## HOTEL SUICIDE REVEALS BROKER'S WEDDING SECRET

Letter Left by Luers in Clarendon a Surprise to Friends.

Not until Henry Luers, a retired stock broker, committed suicide to-day in his room in the Clarendon Hotel, Eighth street and Fourth avenue, did even his closest acquaintances know that he was married and that he left a wife living a few blocks from where he killed himself.

Kate Sullivan, a chambermaid, was passing Luers's room to-day, when she smelled gas and called the clerk. The door was forced, and Luers was found dead on the bed with the gas from two jets flowing full. Before turning on the gas Luers, who was an elderly man, had taken the precaution to caulk up the cracks about the doors and windows with paper.

## Letter Reveals Romance.

On a table was a letter addressed to Charles Wendell, a contracting truckman at No. 25 Avenue D. The letter, which revealed the romance as the suicide's life, read:

"Dear Wendell: If anything happens to me, be sure and carry out my wishes. First is to take my body to the undertaker on Fourth avenue, from where Ed Sorenson was buried, and have it cremated as soon as you can, and have my ashes any time."

"I leave everything I own to you and May. She is my wife. Anything that you want to do with it, do it."

My head troubles me too much. I can't stand it. Balance in bank and pocket. I think I will pay the expenses."

About \$25 was found in the dead man's pocket.

**Coroner Finds Friend.**

Coroner Harburger did not know the identity of the suicide when he left his office to go to the hotel, the police having merely reported that a man had killed himself there. When he reached the room and saw the body he recognized it as that of one of his closest friends and was much affected. To him and to Mr. Wendell, who were considered Luers's best friends, the fact that he was married and that his wife was living was a complete surprise.

"He never said much about his own affairs," said the Coroner, "but we believed he was an old bachelor. Until a few weeks ago he lived in Flushing, and I called on him and he called on me frequently. His friends always thought he had had trouble in his early life, but he never volunteered any information."

When Luers went to the Clarendon he engaged an expensive room. A few days ago he obtained this for one much cheaper. The heat of the last few days had affected him severely. He had been

## LIVED SIX DAYS ON CANDLES IN FLOODED MINE

Two of Force Trapped in Welsh Colliery Taken Out Alive.

LONDON, July 2.—After being imprisoned for six days in the flooded Caradoc Vale (Wales) Colliery, two miners of the six originally imprisoned were rescued alive to-day.

The last two rescued in the old workings, having subsisted for a week on a few candles. One of them was still able to walk, and the other was delirious during the last part of his imprisonment.

Three of the miners were found dead and their bodies brought to the surface.

## PUGILIST IS HELD ON LARCENY CHARGE.

"Kid Chester," a nineteen-year-old fighter known in the three-round bouts of Harlem, was to-day held in \$2,000 bail for trial by Magistrate Baker in Harlem Court, on a charge of grand larceny.

His real name is Samuel Flammhaft, and he lives at No. 9 East One Hundred and Seventh street. Last Friday he was hired by Dr. Leonard Marston to steal a furniture from No. 13 East One Hundred and Eighth street to No. 174 Lexington avenue.

The physician later missed eleven pawn tickets for jewelry valued at \$200, and the police found the man in the possession of a man who said he bought them from Kid Chester for \$50. In court to-day Chester said he found the tickets

partially paralyzed for several years and the heat pressed him. Coroner Harburger said he believed the heat had affected his mind and drove him to kill himself.

**Lived on His Money.**

Luers had two brothers-in-law connected with the importing firm of Dickhoff, Rastler, No. 25 Broadway. They are said to be very wealthy.

Luers was a Past Master of Puritan Lodge No. 220, F. & A. M., and stood well in Masonic circles. Since being stricken with paralysis he had retired from the stock market and had been living comfortably on what he had saved.

Coroner Harburger said it was evident that Luers had carefully planned his suicide by one of three methods—gas, shooting or poison. A few days ago he purchased a new revolver and also a vial of poison, both of which were found in his room.

At No. 25 West Twelfth street, the address given by the suicide of his wife, it was denied that Mrs. Luers was known. The establishment is conducted by Mrs. Tebord, who says it is a French boarding-house. She has been mistress of it since last March, and after she had questioned numerous young women living there she said there was none answering to the name of "May" and that none had ever heard of a Mrs. May Luers.

## FIVE CHILDREN ARE ALL FROM POISONED CANDY

All Taken to Long Island Hospital After Eating Lemon Sticks.

Five children were seriously poisoned by eating candy bought in the Park Slope section of Brooklyn to-day, and the police as well as the inspectors of the Board of Health are searching the shops of the vicinity to ascertain if the lives of other children may not be in danger.

The children who are now at the Long Island College Hospital are all members of the Welner family of No. 45 Smith street. They are: Annie, one year old, Francis, three years; Bernard, six; Joseph, seven, and Mary, nine.

The candy was purchased by Lawrence Ryan, an inmate of the Old Men's Home, at Eighth avenue and Sixteenth street, Brooklyn. Mr. Ryan is a close friend of the Welners and is very fond of their children. On his way from the Old Men's Home he stopped at a small shop and bought 10 cents worth of lemon sticks.

On reaching the Welners he gave it to the children, and an hour after they ate it they became deadly sick.

The case was reported as poisoning by Dr. Goldsmith, of the hospital, and the police of the Hamilton avenue station, started an investigation. Mr. Ryan could not remember when he bought the candy, and went out with the police in the hope that he would know it if he saw it again. Meanwhile the Board of Health inspectors are looking over the candy in the shops of the district to make sure it is in good condition.

## HARNESS CUT TO BITS AS DRIVERS STRIKE.

Butcher Schulman Causes Arrest of Four "Pickets" on Mischief Charge.

Drivers of seven of Mindel Schulman's butcher wagons struck on Saturday and to-day his market at No. 233 East One Hundred and Third street was surrounded by pickets from the union.

When Schulman found some one had entered his stable and cut his harness to pieces he called in the police and caused the arrest of four men. He said they were pickets. They were William Brown, No. 138 Linden street; Benjamin Ruskin, No. 315 William street; Benjamin Ruskin, No. 315 William street; and Meyer Rheingold, No. 105 East One Hundred street.

A great crowd surrounded the market and for an hour several policemen had all they could do to keep the street clear.

## TYRANT TREPOFF MUST LEAVE THE CZAR'S PALACE

Falls Into Disfavor as Parliament Wins Fight for Full Freedom.

ST. PETERSBURG, July 2.—Gen. Trepoft, Commandant of the Palace, it is reported, has at last fallen into imperial disfavor and is leaving Petrohof.

Premier Gortchakoff was summoned to Petrohof this afternoon presumably in connection with the reorganization of the Cabinet.

Interior Minister Stolypin, who, more than any other member of the Cabinet, seems to be trying to appease Parliament by an attitude of frankness, publicly announced to-day in behalf of the Government that after an examination of the laws which the Lower House is considering for establishing liberty of conscience and freedom of meetings and associations.

M. Sturmer, now a member of the Upper House and formerly an assistant of the late Interior Minister von Plehve, who has returned here after making a tour of the interior, takes a view of the conditions of the country somewhat different from that generally prevailing in St. Petersburg.

He says he found the peasants more tranquil than the reports indicated. They seemed ready to await the promised agrarian reform, and he found only a few of the peasants in favor of the nationalization of land.

It is considered significant that M. Sturmer, who is classed as a reactionary but who evidently has now received an impression from friends "higher up" that reactionary statements are not welcomed at court, declares that the talk of a dissolution of Parliament and the creation of a dictatorship is folly.

He frankly avows that the cabinet must be reorganized, but points out that a ministry composed of Constitutional Democrats could not control legislation without the support of the extreme Radicals.

## "ALWAYS IN THE WAY" O.K. IN ARMY FUNERALS.

WASHINGTON, July 2.—"Always in the Way" is the title of a piece of music played at the funeral of Private C. W. J. Anderson, of the Marine Corps, at Oronogo, Philippine Islands, and it resulted in severe newspaper criticism and finally an investigation by officers of the corps.

The report of the board has been received at the department, and its findings say that the music played, while having an inappropriate name, was suited to the occasion and the best the band could play, "their repertoire being limited."

The newspaper which first published the article in Manila is severely censured in the report. The order for the piece was given by Acting Drum Major Walter Preston.

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